

IN THE SUPREME COURT OF THE STATE OF DELAWARE

SONYA WASHINGTON <sup>1</sup> ,	§
	§ No. 655, 2011
Respondent Below-	§
Appellant,	§
	§ Court Below—Family Court
v.	§ of the State of Delaware
	§ in and for Sussex County
DIVISION OF FAMILY	§ File No. 08-06-03TS
SERVICES, et al.,	§
	§
Petitioners Below-	§
Appellees.	§

Submitted: December 9, 2011  
Decided: December 13, 2011

Before **STEELE**, Chief Justice, **JACOBS** and **RIDGELY**, Justices.

**ORDER**

This 13<sup>th</sup> day of December 2011, it appears to the Court that:

(1) On December 1, 2011, the Court received the appellant's notice of appeal from the order of the Family Court, dated and docketed on October 28, 2011, which denied her motion to reopen. Pursuant to Supreme Court Rule 6, a timely notice of appeal from the Family Court's order should have been filed on or before November 28, 2011.

(2) On December 2, 2011, the Clerk issued a notice pursuant to Rule 29(b) directing the appellant to show cause why the appeal should not

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<sup>1</sup> The Court *sua sponte* assigned pseudonyms to the parties by Order dated December 5, 2011. Supr. Ct. R. 7(d).

be dismissed as untimely filed. The appellant filed a response to the notice to show cause on December 9, 2011. The appellant states that she did not know her appeal was filed in excess of the 30-day period and that she has been in ill health. The appellant mistakenly states that the Family Court's order was mailed to her on "11/31/11." The record reflects, however, that the order was mailed on October 31, 2011.

(3) Pursuant to Rule 6(a) (iii), a notice of appeal must be filed within 30 days after entry upon the docket of the judgment or order being appealed. Time is a jurisdictional requirement.<sup>2</sup> A notice of appeal must be received in the Office of the Clerk within the applicable time period in order to be effective.<sup>3</sup> An appellant's *pro se* status does not excuse a failure to comply strictly with the jurisdictional requirements of Rule 6.<sup>4</sup> Unless the appellant can demonstrate that the failure to file a timely notice of appeal is attributable to court-related personnel, his appeal may not be considered.<sup>5</sup>

(4) There is nothing in the record before us reflecting that the appellant's failure to file a timely notice of appeal in this case is attributable to court-related personnel. Consequently, this case does not fall within the

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<sup>2</sup> *Carr v. State*, 554 A.2d 778, 779 (Del. 1989).

<sup>3</sup> Supr. Ct. R. 10(a).

<sup>4</sup> *Carr v. State*, 554 A.2d at 779.

<sup>5</sup> *Bey v. State*, 402 A.2d 362, 363 (Del. 1979).

exception to the general rule that mandates the timely filing of a notice of appeal. Thus, the Court concludes that this appeal must be dismissed.

NOW, THEREFORE, IT IS ORDERED, pursuant to Supreme Court Rule 29(b), that this appeal is DISMISSED.

BY THE COURT:

/s/ Henry duPont Ridgely  
Justice